



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

**MAILED**

**OCT 14 2003**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 3600**

ANGENEHM LAW FIRM, LTD  
P.O. BOX 48755  
COON RAPIDS, MN 55448

In re Application of  
Cully T. Cederberg et al.  
Application No. 09/382,709  
Filed: August 23, 1999  
For: THE DOOR JAMB

DECISION ON PETITION  
TO WITHDRAW THE  
HOLDING OF ABANDONMENT

This is in response to applicants' petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO), on April 16, 2003. The delay in treating this petition is sincerely regretted.

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Allowability and a Notice of Allowance and Fee Due were mailed to applicants on May 6, 2002. Also a Notice to File Corrected Application Papers was mailed on August 20, 2002 giving applicant 30 days to correct informalities. Applicant did not respond to either the Notice of Allowance mailed on May 6, 2002 nor the Notice mailed August 20, 2002. Since applicant did not respond to the Notice to File Corrected Application Papers was mailed on August 20, 2002 the application was abandoned and a Notice to that effect was mailed on February 4, 2003. Also applicant did not respond to the Notice of Allowance.

There is a strong presumption that Office communication properly addressed and delivered to the United States Postal Services, was in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

- (1) A statement from the practitioner stating the Office communication was not received by the practitioner;
- (2) A statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and

- (3) A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

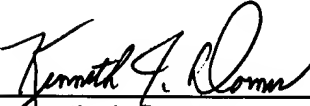
Applicant has failed to comply with requirements (2) and (3) above.

As to requirement (2), applicant has not provided a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.

As to requirement (3), the docket records indicated above must include a copy of the list of all responses in the practitioner's office with the due date of August 6, 2002 and September 19, 2002. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993). The petitioner has failed to comply with requirement (3) indicated above.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
\_\_\_\_\_  
Kenneth J. Dorner  
Special Programs Examiner  
Technology Center 3600  
(703) 308-0866

KJD/en 10/02/03